

BDCP CWA 404 Coordination Meeting Notes

January 27, 2012

Attendees:

DWR – Chuck Gardner, Cassandra Enos, Marc Ebbin, Sue Ramos

ICF – Ken Bogdan, Mike Avina

USACE – Mike Nepstad, Paul Robershotte

EPA – Tom Hagler

- Alternatives Development – Gwen Buchholz
 - CH2MHill provided an overview of alternatives development.
- WRDA Agreement
 - USACE provides overview of flowchart for process WRDA agreement for funding of dedicated permitting and regulatory staff.
 - Currently USACE waiting for letter from DWR indicating DWR is interested in pursuing WRDA agreement—a letter rather than an e-mail is requested.
 - USACE can execute the WRDA agreement upon receipt of a letter from DWR.
- Federal Agency MOU
 - There is an outstanding question about the need for a separate MOU for 408 authorization under RHA.
 - USACE suggests that separating processes creates a suspicion on part of agencies with a role in the BDCP. The 408 depends on same process as other reviews in current MOU, another reason for combined review under one MOU.
 - Counsel raises issue that having so many agencies reviewing process steps where they have no regulatory role adds delay. To resolve this issue the MOU needs to define the jurisdiction and responsibilities of the various agencies.
 - USACE comments on the MOU:
 - USACE needs to coordinate with EPA to clarify language that is required.
 - Internally USACE completed internal review for the required departments, in parallel.
 - USACE expects the MOU back from HQ in a week.
 - EPA in interim has suggested edits.
 - USACE coordinating to reconcile.
 - ICF: MOU doesn't change steps that USACE et al will perform anyway—ICF questions if this process needs to be memorialized because it will be performed absent an MOU.
 - USACE summarizes EPA comments on the MOU:
 - The 404 process needs to either stop until the MOU is ironed out or the current 404 process requires major revisions.
 - Counsel: MOU can separate out how USFWS et al vs. USACE is engaged with the process
 - USACE, Next steps - need to coordinate with EPA.

- DWR: need to circle back with management to see if there is still a need for an MOU at this point in the process.
- Action Items/Next Steps
 - Next meeting: meeting is moved to 9:30 to 11 every other Friday. Next meeting date is 2/17.